



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

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STATEMENT OF LEGAL AND FACTUAL BASIS


International Paper - Franklin Mill

Franklin, Virginia

Permit No.: TRO- 60214

Title V of the 1990 Clean Air Act Amendments required each state to develop a permit program to ensure that certain facilities have federal Air Pollution Operating Permits, called Title V Operating Permits. As required by 40 CFR Part 70 and 9 VAC 5 Chapter 80, International Paper - Franklin Mill has applied for a Title V Operating Permit for its Franklin facility. The Department has reviewed the application and has prepared a draft Title V Operating Permit.

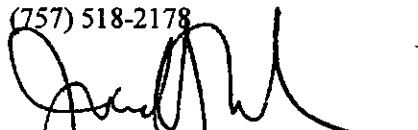
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Date: September 9, 2009

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Date: September 9, 2009

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I. FACILITY INFORMATION

Permittee and Facility

International Paper Franklin Mill
34040 Union Camp Drive
Franklin, VA 23851

Responsible Official

Jeannine M. Siembida
Mill Manager

County-Plant Identification Number: 51-093-00006

Facility Description:

NAICS 322121 - Pulp Mill (SIC 2611), NAICS 322121 - Paper Mill (SIC 2621), NAICS 322130 - Paperboard Mill (SIC 2631), NAICS 322211 - Converted Paper and Paperboard Products (SIC 2679)

This facility produces finished paper and paperboard products, virgin and recycled pulp and recycled paper products from logs and chips using the Kraft process. They also produce turpentine. The mill has the capability of generating most of the power used at this mill.

There are 10 major parts of the facility as listed in the application: 1) the Wood Yard process area; 2) the Unbleached Pulp Mill process area; 3) the Caustic Recovery process area; 4) the Chemical Recovery process area; 5) the Bleach Plant process area; 6) the Paper Machine process area; 7) the Power House process area; 8) the Wastewater Treatment System process area; 9) the Fiber Recycling process area; and 10) Miscellaneous processes.

This facility is operating under a Federally Enforceable State Operating Permit dated March 31, 2006, which includes the Site Wide Emissions Cap conditions pulled from the site specific regulation for International Paper (9 VAC 5-230).

This facility will be complying with 40 CFR Part 63, Subpart S in a site-specific manner. This Title V permit is also the Equivalency Permit which was granted to the Department of Environmental Quality by EPA. On April 15, 2004, EPA published in the Federal Register an approval of an EBP (Equivalency by Permit) for the Virginia DEQ. This approval allows the Virginia DEQ to establish and enforce alternative state requirements for International Paper Franklin Mill in lieu of those in the Pulp and Paper MACT (40 CFR Part 63, Subpart S). The approval requires that the alternative requirements must be at least as stringent as the MACT.

This facility shall comply with 40 CFR 63.443 (a)(1) by controlling the HAP emissions from the following equipment systems:

- A. Each LVHC system
- B. Each knotter or screen system with total HAP mass emission rates greater than or equal to the rates specified in 40 CFR 63.443(a)(1)(ii)(A) or (a)(1)(ii)(B) or the combined rate specified in 40 CFR 63.443 (a)(1)(ii)(C)
- C. D-Wash Line Washer and Accepts Tank
- D. B-Decker and Filtrate Tank
- E. No. 1 High Density Storage Tank
- F. Nos. 1-4 BLOX Tank Vents

- G. E-Bleach Line O₂-1 Washers and Filtrate Tank
- H. E-Bleach Line O₂-2 Washers and Filtrate Tank
- I. E-Bleach Line East and West Twin Roll Press
- J. E-Bleach Line O₂ System Blow Tank, Blend Chest, and Pressate Level Tank

Note:

- a. Emissions from the mill's knotter and screen systems are not required to be collected and controlled. These systems have been found to have HAP concentrations below the thresholds specified in 40 CFR 63.443(a)(1)(ii).
- b. Emissions from the E-decker are not required to be controlled since the HAP (as MeOH) content of the shower water used on this system was found to be less than the threshold specified in 40 CFR 63.443(a)(1)(iv)(B).
- c. Emissions from the following systems (as defined in Appendix A) are not required to be collected and controlled under International Paper's alternative 40 CFR 63.443 compliance approach:
 - (i) A & B Washer systems
 - (ii) C Washer system
 - (iii) D-Wash Line seal tank
 - (iv) Vertical Foam Tank
 - (v) Knotters and Screens
 - (vi) E-Bleach Line oxygen delignification system O₂ reactor purge vent and pressate hold tank
 - (vii) F-Bleach Line Oxygen Delignification System

This facility was also granted a regulatory variance allowing DEQ to cap the emissions of 10 pollutants and at the same time no longer require minor or major source permitting. The site-specific regulation is 9 VAC 5 Chapter 230. The regulatory variance was passed by Air Board in 2005 and the facility began operating under their cap on April 1, 2006.

This variance was part of a much bigger project known as the International Paper Environmental Innovations Project. The project included the alternative requirements for complying with the MACT; the regulatory variance capping 10 pollutants and waiving NSR permitting requirements; and additional environmental improvement projects promised to be completed by the facility known as the 'Plus' projects. At this point in time, IP has completed all of the 'Plus' Projects. With the issuance of this permit, the No. 6 Recovery Boiler project has been completed and new rated capacities of several units have been incorporated into this permit. The emission testing after completing the project demonstrate a significant reduction in CO emissions when firing black liquor and additional reductions in PM, PM-10, and SO₂. There was a slight increase in the NO_x emissions as a result of the project.

II. COMPLIANCE STATUS

A full compliance evaluation of this facility, including a site visit, has been conducted (Full Compliance Evaluation was completed on 9/25/06). In addition, all reports and other data required by permit conditions or regulations, which are submitted to DEQ, are evaluated for compliance. Based on these compliance evaluations, the facility has not been found to be in violation of any state or federal applicable requirements at this time.

III. EMISSIONS INVENTORY

2007 Emissions are summarized in the following tables:

2007 Actual Emissions

2007 Criteria Pollutant Emission in Tons/Year					
Pollutant	VOC	CO	SO ₂	PM ₁₀	NO _x
Total	867.6	1772.3	7175.2	771.6	2374.8

2007 Hazardous Air Pollutant Emission in Tons/Yr					
Pollutant	Acetaldehyde	Acrolein	Chlorine	Formaldehyde	Sulfuric Acid Mist
Total	8.6	0.9	6.7	16.2	63.9
	Hydrogen Chloride	Hydrogen Fluoride	Lead	TRS	
Total	180.2	17.1	0.104	197.6	

IV. EMISSION UNIT APPLICABLE REQUIREMENTS

A. Section III - Definitions

Section III of the permit defines the various terms and acronyms used throughout the permit.

B. Section IV - Site-Wide Requirements

Section IV of the permit is pulled directly from the Site Wide Emission Cap (SWEC) Federally Enforceable State Operating Permit (FESOP) which was derived from the State Variance (9 VAC 5-230) and the Equivalence By Permit (EBP) dated March 31, 2006, which the facility began operating under on April 1, 2006. The following Virginia Administrative Codes are the applicable requirements that apply to the entire facility:

- 9 VAC 5 Chapter 80 Article 1: Federal Operating Permits for Stationary Sources
- 9 VAC 5 Chapter 80 Article 2: Permit Program Fees for Stationary Sources
- 9 VAC 5 Chapter 80 Article 4: Insignificant Activities
- 9 VAC 5 Chapter 80 Article 5: State Operating Permits
- 9 VAC 5 Chapter 140 Emissions Trading
- 9 VAC 5 Chapter 230 Variance for International Paper Franklin Paper Mill

In working with the compliance staff, it was decided that due to the uniqueness of this permit, we may want to add some specificity on how the facility will show compliance with the permit as changes take place at the facility or as new/better information is determined. Condition IV.D.10.d.(b) has been added to help with this aspect.

C. Section V - Unbleached Pulp Mill Process Area

There is a federal regulation applicable to this section of the plant:

40 CFR Part 63 Subpart S - National Emission Standards for Hazardous Air Pollutants for Source Category:
Pulp and Paper Production (known as MACT I and MACT III)

The following Virginia Administrative Codes are other applicable requirements that apply to the source:

9 VAC 5 Chapter 40 Part I: Special Provisions

9 VAC 5 Chapter 40 Article 13: Emission Standards for Pulp and Paper Mills

Digesters

The digesters are applicable to Chapter 40 Article 13 for TRS emissions and to 40 CFR 63 Subpart S so the applicable TRS emission limits have been placed in the permit. The emissions from the digesters go to the LVHC (Low Volume High Concentration) Collection System (See Appendix B). In previous permits this collection system was referred to as the Non-Condensable Gas Collection (NCG) System. As a result of Subpart S this collection system became the LVHC collection system. The gases are collected and routed to either power boiler #6 or #7 where they are incinerated. The LVHC system is a closed vent system. This system has emergency vents which are monitored by a computer system. The computer system is set up to sound an alarm when one of the vents releases to the atmosphere. The turpentine system and the chip bins are also collected by the LVHC. Because all the emissions from the digester go into the LVHC, and are then incinerated in the #6 or #7 power boilers, it is highly unlikely that the 5 ppm limit for TRS will be exceeded. Therefore, no monitoring of this emission limit is required in the permit.

The collection of the condensates and the gases to comply with the Pulp and Paper MACT will be demonstrated in accordance with the monitoring requirements in the MACT (See Appendix B). Some of these requirements are listed in the permit. The MACT has two parts with different requirements for each part: MACT I or Phase 1 of the MACT required the collection of LVHC gases and condensates; MACT III or Phase 2 of the MACT required collection of the HVLC (High Volume Low Concentration) gases and condensates.

With this permit the facility has asked to have two different options available to meet the condensate collection requirements of the MACT. Originally they were using the 65% collection efficiency option [40 CFR 63.446(c)(2)]. With the issuance of this permit, we have added the collection option to obtain at least 11.1 lbs/ton HAP [40 CFR 63.446(c)(3)]. Both/either options will be demonstrated on a daily basis through flows, mass balances and annual methanol testing. The closed collection system and the closed vent system will be monitored for leaks on a monthly basis as well as having annual testing for leaks. The collected condensates will be routed to a stripper which will remove at least 92% of the HAPs (or reduce concentrations to 10.2 pounds per oven dried tons of pulp). The facility will have to prove this 92% collection efficiency by monitoring the wastewater feed rate, the steam feed rate and the process wastewater column feed temperature (See the Chemical Recovery Section).

Semi-annual reports are required for Excess emissions from the TRS collection system, the LVHC collection system and the HVLC collection system.

We have required once per permit term testing for methanol from the condensate streams listed in Condition V.A.6. to be sure that the 65% collection efficiency required by the MACT is being met.

Opacity - The original Title V permit had a generic opacity limit (based on 9 VAC 5-40-80) for the various existing units in this part of the plant. Because most of the units/processes in this part of the plant are wet processes, there will be no opacity from them; we have now removed these conditions. Two processes that might have opacity are the chip conveyor and the batch chip bins which are insignificant units. Two other units are the K1 and K2 chip bins which are exhausted into the LVHC system which is later incinerated, and therefore, there should not be any opacity to be observed.

The HVLC gases from the washers and deckers (as listed in Appendix A) will be routed to an RTO that will be monitored in accordance with the Condition V.B.10. These units are part of the parity project to comply with Phase 2 of the MACT

D. Section VI - Caustic Recovery Process Area

There are two federal regulations that apply to this section of the plant:

40 CFR Part 60, Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels
40 CFR Part 63, Subpart MM	National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semi chemical Pulp Mills

The following Virginia Administrative Codes are other applicable requirements that apply to the source:

9 VAC 5 Chapter 40	Part I: Special Provisions
9 VAC 5 Chapter 40	Article 13: Emission Standards for Pulp and Paper Mills

Lime Kilns

The lime kilns are subject to emission standards from 9 VAC 5-40-1690 and 40 CFR 63 Subpart MM. The particulate standard of 9 VAC 5-40-1690 for the lime kilns is a limit for all the lime kilns, combined. From Subpart MM, the facility is using 40 CFR 63.862(a) (1) (ii) for a combined emission standard from multiple units. The TRS emission standards of 9 VAC 5-40-1690 are for each unit individually.

Continuous monitoring will be achieved by using the CEMS which records the TRS emissions from the kilns. Any exceedances must be reported quarterly because the CEMS is a direct compliance monitor. Compliance Assurance Monitoring (CAM) conditions for the Lime Kilns have been incorporated into this permit for compliance with 40 CFR Part 64. Parametric monitoring of the lime kiln scrubbers should be sufficient to ensure the proper operation of the scrubbers. There is no visible emission limit listed for the scrubbers due to large amounts of steam being emitted thus making a Method 9 impractical. Parametric monitoring of the scrubbers should be sufficient.

Slakers

The slaker tank units (CAU-04, CAU-05) are subject to emission standards from 9 VAC 5-40-1690. The particulate emission standard is for all the slaker tank units, combined.

The slakers are now subject to CAM and will have parametric monitoring to prove compliance with the emission standards. The CAM plan has been added to the monitoring section, however, at the time of issuance the testing to determine parameter ranges has not been performed. By 40 CFR 64.4(e) the parametric testing must be performed within 180 days of permit issuance.

The opacity condition in the original permit has been removed because this is a wet process and there will be no visible emissions from these tanks.

Tanks

The tanks that are Kb applicable shall have records kept for life of tank (No. 2 Dregs Filter Mix tank).

No visible emissions periodic monitoring was required for these tanks because they process a slurry which will have no visible emissions.

Recordkeeping and reporting requirements for this section of the mill include excess emission reports for the CEMS on the kilns and the parametric monitoring of the scrubbers. Specific requirements from Article 13, the FESOP and Subpart MM have also been added.

E. Section VII - Chemical Recovery Process Area

There are four federal regulations applicable to this section of the plant:

40 CFR Part 63 Subpart S	National Emission Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production
40 CFR Part 60, Subpart BB	Standards of Performance for Kraft Pulp Mills
40 CFR Part 60, Subpart Kb	Standards for Storage Vessels for Petroleum Liquids
40 CFR Part 63, Subpart MM	National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semi chemical Pulp Mills

The following Virginia Administrative Codes are other applicable requirements that apply to the source:

9 VAC 5 Chapter 40	Part I: Special Provisions
9 VAC 5 Chapter 40	Article 13: Emission Standards for Pulp and Paper Mills

Recovery Furnace Units

The facility will prove compliance with the particulate emission standard for the recovery furnaces by performing a stack test once per permit term. These units are CAM applicable units and the CAM plan for each has been added to this renewal permit.

TRS emissions will be monitored by the CEMS, which are already in place on the recovery boilers.

Visible emissions from the recovery boilers will be monitored by the COMS which are already on each of the recovery boilers.

Smelt Dissolving Tanks

The facility will prove compliance with the particulate emission standard and the TRS emission standard for the smelt dissolving tanks by performing a stack test once per permit term to demonstrate compliance. These units are also CAM applicable and a CAM plan has been added to this renewal.

Visible emission evaluations are not necessary because this is wet scrubber process, making a Method 9 impractical.

Multiple-Effect Evaporators

The G-set of multiple effects evaporator and condensate stripper are the only units in this process area that are applicable to 40 CFR Part 60, Subpart BB. 40 CFR 63 Subpart S requires collection and incineration of these emissions.

The emissions from the evaporators go to the LVHC collection system. The gases are collected and routed to either power boiler #6 or #7 where they are incinerated. The LVHC collection is a closed system. This system has emergency vents, which are monitored by a computer system. The computer system is set up to sound an alarm

when one of the vents releases to the atmosphere. Because all the emissions from the evaporators go into the LVHC, and are then incinerated in the #6 or #7 power boilers, it is highly unlikely that the TRS emission limit will be exceeded. Monitoring of the LVHC collection system is also part of the Pulp and Paper MACT which requires monthly visible inspections and annual testing of the closed vent systems.

Condensate Stripper System

The emissions from the condensate stripper go to the LVHC collection system. This system is part of 40 CFR 63 Subpart S requirements and has associated monitoring and reporting as part of the MACT. Because all the emissions from the stripper go into the LVHC collection system and are then incinerated in the #6 or #7 power boilers, it is highly unlikely that the TRS emission limit will be exceeded.

TRS Scrubber

The scrubber was installed as part of a permitting process to net out of PSD. As a result the control efficiency of the scrubber cannot drop below 67%. Parametric monitoring of the scrubber is required and a control efficiency calculation is required on a rolling 12-month basis.

BLOX Tanks

These tanks are the primary part of the parity project to reduce HAPS in a different way than required in 40 CFR 63 Subpart S. The emissions from these tanks will be collected in a closed vent system and routed to the RTO for incineration. (See Appendix A)

Tanks

There are two tanks that by size might be 40 CFR Part 60, Subpart Kb applicable: CRE-11- [#3 Weak liquor tank]; and CRE-14- ['G'-set soap skimmer tank]. The material stored in these tanks does not meet the applicability of Subpart Kb and they are therefore, not Subpart Kb applicable. No visible emissions monitoring is required for any tanks in this process area because they store liquids and therefore will have no visible emissions.

Recordkeeping and reporting requirements for this section of the mill include MACT Subpart S requirements, MACT Subpart MM requirements, Subpart BB requirements, 9 VAC 5 Chapter 40, Article 13 requirements and those pulled from the FESOP. Excess emission reports and quarterly TRS reports are included.

F. Section VIII - Bleach Plant Process Area

There are some federal regulations applicable to this section of the plant:

40 CFR Part 63 Subpart S - National Emission Standards for Hazardous Air Pollutants for Source Category:
Pulp and Paper Production

The following Virginia Administrative Codes are other applicable requirements that apply to the source:

9 VAC 5 Chapter 40 Part I: Special Provisions

Bleach Lines

Parts of the bleach plant are subject to 40 CFR 63 Subpart S. The bleach plant scrubber system is restricted to 10 ppm of total chlorinated HAP by the Pulp and Paper MACT (Subpart S). The MACT also requires a continuous parametric monitoring system for the scrubbers to prove compliance with the limit. The parameters being monitored are: the pH of the gas scrubber effluent; the gas scrubber liquid influent flow rate; and the operation of the fan motor for the vent gas flow (low speed alarm).

Parts of the E bleach line are also being collected as part of the parity project for alternate compliance with the MACT. (See Appendix A)

Recordkeeping and reporting to meet MACT Subpart S requirements have been included.

G. Section IX - Paper Mill Process Area

There is no federal regulation applicable to this section of the plant.

The following Virginia Administrative Codes are other applicable requirements that apply to the source:

9 VAC 5 Chapter 40 Part I: Special Provisions

Paper Machines

There are no specific limitations associated with this process area. There are no visible emission requirements associated with the paper machines because this is wet process, and there will be no visible emissions from this process.

Starch Silo

Due to the infrequency of shipments, visual evaluations will be performed each time the silos are loaded as long as they are loaded during the day.

H. Section X - Power House Process Area

There are three federal regulations applicable to this section of the plant:

40 CFR Part 60, Subpart Db Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units

40 CFR Part 60, Subpart GG Standards of Performance for Stationary Gas Turbines

Currently vacated future applicable requirement:

40 CFR Part 63, Subpart DDDDD National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters - (Boiler MACT)

The following Virginia Administrative Codes are other applicable requirements that apply to the source:
Applicable Requirements:

9 VAC 5 Chapter 40 Existing Stationary Sources
Part I: Special Provisions
Part II: Emissions Standards - Articles 1, 2 & 4
9 VAC 5 Chapter 50 New and Modified Stationary Sources
Part I: Special Provisions and
Part II: Emissions Standards - Articles 1, 2, 4 & 5
9 VAC 5 Chapter 60 Hazardous Air Pollutant Sources
Part I: Special Provisions and
Part II: Emissions Standards - Articles 2, 4 & 5

Existing Power Boilers (#5, #6, and #7)

The emissions from power boilers #5 and #6 go to the same (North) stack. Emissions from power boiler #7 go to a different (South) stack. Power boilers #5 and #7 are subject to Chapters 40 and 60 and power boiler #6 is subject to Chapters 50 and 60.

Particulate emissions on each of these boilers are controlled by the use of ESPs. The particulate emission limits will be verified by stack test once per permit term on each unit. Periodic visual evaluations will not have to be performed under normal conditions because the stacks have COMS on them. Each unit has a CEMs on it for NO_x, SO₂ and CO.

These boilers are subject to the boiler MACT which has been vacated. No conditions relating to the boiler MACT have been added to the permit.

Each of these boilers is CAM applicable for Particulate Matter. A CAM Plan has been added to the monitoring section of the permit for each unit.

Recordkeeping and reporting requirements include requirements from Chapter 40 and FESOP.

#9 Power Boiler

This unit is subject to 9 VAC 5 Chapter 50 and 60 as well as to 40 CFR Part 60, Subpart GG. The duct burner is subject to 40 CFR Part 60, Subpart Db. This unit has a CEMS to monitor the emissions of NO_x and CO. No visible emission monitoring was put in the permit, because the unit only fires natural gas and there should be no visible emissions at all when firing natural gas. Excess emissions reports have to be submitted quarterly because these are direct compliance CEMS.

Tanks

PWR-10: Old No. 910 Fuel Oil Storage Tank is Kb sized, but currently not applicable because it is used for storing process liquids that do not meet the applicability of 40 CFR Part 60, Subpart Kb. This unit is on the insignificant emissions unit list and no monitoring is associated with this tank. We have left a condition in the permit in the event the tank stores a Kb applicable liquid at some future time.

Recordkeeping and reporting requirements include requirements from 9 VAC 5 Chapter 40, 40 CFR Part 60, Subpart GG and the FESOP.

I. Section XI - Miscellaneous Processes

Quarterly visual evaluations will have to be performed on the sheet plant waste paper baler (MIS-04). No other recordkeeping or reporting is necessary.

V. STREAMLINED REQUIREMENTS

There are no streamlined requirements.

VI. GENERAL CONDITIONS

The permit contains general conditions required by 40 CFR Part 70 and 9 VAC 5-80-110 that apply to all Federal-operating permitted sources. These include requirements for submitting semi-annual monitoring reports and an annual compliance certification report. The permit also requires notification of deviations from permit requirements or any excess emissions.

Comments on General Conditions

1. Condition B. Permit Expiration

This condition refers to the Board taking action on a permit application. The Board is the State Air Pollution Control Board. The authority to take action on permit application(s) has been delegated to the Regions as allowed by §2.2-604 and §10.1-1185 of the *Code of Virginia*, and the "Department of Environmental Quality Agency Policy Statement No. 3-2006".

2. Condition F. Failure/Malfunction Reporting

Section 9 VAC 5-20-180 requires malfunction and excess emission reporting within four hours of discovery. Section 9 VAC 5-80-250 of the Title V regulations also requires malfunction reporting; however, reporting is required within two days. Section 9 VAC 5-20-180 is from the general regulations. All affected facilities are subject to section 9 VAC 5-20-180 including Title V facilities. Section 9 VAC 5-80-250 is from the Title V regulations. Title V facilities are subject to both sections. A facility may make a single report that meets the requirements of 9 VAC 5-20-180 and 9 VAC 5-80-250. The report must be made within four daytime business hours of discovery of the malfunction.

3. Condition J. Permit Modification

This general condition cites the sections that follow:

9 VAC 5-80-50. Applicability, Federal Operating Permit For Stationary Sources

9 VAC 5-80-190. Changes to Permits.

9 VAC 5-80-260. Enforcement.

9 VAC 5-80-1100. Applicability, Permits For New and Modified Stationary Sources

9 VAC 5-80-1790. Applicability, Permits For Major Stationary Sources and Modifications Located in Prevention of Significant Deterioration Areas

9 VAC 5-80-2000. Applicability, Permits for Major Stationary Sources and Major Modifications Locating in Nonattainment Areas

4. Condition U. Malfunction as an Affirmative Defense

The regulations contain two reporting requirements for malfunctions that coincide. The reporting requirements are listed in sections 9 VAC 5-80-250 and 9 VAC 5-20-180. The malfunction requirements are listed in General Condition U and General Condition F. For further explanation see the comments on general condition F.

5. Condition Y. Asbestos Requirements

The Virginia Department of Labor and Industry under Section 40.1-51.20 of the Code of Virginia also holds authority to enforce 40 CFR 61 Subpart M, National Emission Standards for Asbestos.

VII. CAIR

The facility has submitted an application for the Clean Air Interstate Rule (CAIR).

9 VAC 5 Chapter 140 - Parts 2-4: From EPA's Question and Answer memo:

Question 1. - The CAIR regulations refer to the CAIR permit as a "complete and separable portion of the Title V operating permit." What does this mean?

It means that the CAIR portion of the Title V permit must be a discrete "chapter" in the overall Title V permit See 40 CFR 96.120(b), 97.120(b), 96.220(b), 97.220(b), 96.320(b), and 97.320(b). To facilitate this requirement, EPA recommends that the permitting authority simply append the CAIR permit application (which references the CAIR standard requirements) to the Title V permit and include language stating that the provisions contained in the CAIR permit application are applicable requirements that are a binding and enforceable portion of the Title V permit.

As with permitting under the Acid Rain and NOX Budget Trading Programs, the CAIR permit is a portion of the Title V permit. As a consequence, the incorporation of CAIR requirements into the Title V permit should not modify any non-CAIR requirements already contained in the Title V permit.

Based on the above information, the CAIR application has been made an Appendix to the Title V permit. (See Appendix C)

VIII. STATE ONLY APPLICABLE REQUIREMENTS

The permit includes the following state only applicable requirements:

9 VAC 5-40-140 Existing Source Standard for Odor

9 VAC 5-50-220 Existing Source Standard for Toxic Pollutants

9 VAC 5-50-140 New and Modified Source Standard for Odor

9 VAC 5-50-320 New and Modified Source Standard for Toxic Pollutants

IX. FUTURE APPLICABLE REQUIREMENTS

The facility is subject to the Boiler MACT (40 CFR 63 Subpart DDDDD) which has recently been vacated. EPA is reviewing it at this time.

X. INAPPLICABLE REQUIREMENTS

Inapplicable requirements are listed in Section XIII of the permit.

The startup, shut down, and malfunction opacity exclusion listed in 9 VAC 5-40-20 A 3 cannot be included in any Title V permit. This portion of the regulation is not part of the federally approved state implementation plan. The opacity standard applies to existing sources at all times including startup, shutdown, and malfunction. Opacity exceedances during malfunction can be affirmatively defended provided all requirements of the affirmative defense section of this permit are met. Opacity exceedances during startup and shut down will be reviewed with enforcement discretion using the requirements of 9 VAC 5-40-20 E, which state that "At all times, including periods of startup, shutdown, soot blowing and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions."

XI. COMPLIANCE PLAN

The facility is not under a compliance plan at this time.

XII. INSIGNIFICANT EMISSION UNITS

The insignificant emission units are listed in Section XII of the permit. The insignificant emission units are presumed to be in compliance with all requirements of the Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

XIII. CONFIDENTIAL INFORMATION

The source has not identified any information as confidential. All portions of the application and permit are suitable for public review.

XIV. PUBLIC PARTICIPATION

The proposed permit was placed on public notice in the Tidewater News from July 12, 2009 to August 11, 2009.